IN THE DRAWINGS:

The attached sheet of drawings includes changes to Fig. 3 and 4.

Attachment: **Replacement Sheets**
Annotated Sheets Showing Changes

REMARKS

This is intended as a full and complete response to the Final Office Action dated April 3, 2007, having a shortened statutory period for response set to expire on July 3, 2007. Applicants submit this response to place the application in condition for allowance or in better form for appeal. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-30 are pending in the application and remain pending following entry of this response.

Drawing Amendments

Figures 3 and 4 have been amended to correct minor errors. Figures 2 and 3 are part of a sequence of user interfaces for a relatively inexpensive query. As Figure 3 is the screen that follows Figure 2 after a user selects a monthly frequency from the drop-down menu 206, the Name and Description fields were intended to be the same as those shown in Figure 2. An appropriate correction has been made to Figure 3.

Likewise, Figures 4 and 5 are part of a sequence of user interfaces for a relatively expensive query, as is explained in paragraph [0028] of the Applicants' specification. The relative cost of the query is reflected by the Name and Description given in Figure 5, which was intended to be the same for Figure 4. Accordingly, an appropriate correction has been made to Figure 4.

Claim Rejections - 35 U.S.C. § 103

Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,366,915 issued to *Amy Rubert et al.* (hereinafter "*Rubert*") in further view of U.S. Patent Application Publication Number 2003/0172082 issued to *Jeffrey Benoit et al.* (hereinafter "*Benoit*").

Applicants respectfully traverse this rejection.

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. *See* MPEP § 2142. To establish a *prima facie* case of obviousness three

basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP § 2143. The present rejection fails to establish at least the third criterion.

In their previous response, Applicants explained that *Rubert* does not teach determining a plurality of user-selectable scheduling options for future execution of the unit of work on the basis of the cost (and system availability, in the case of claim 12). Applicants also explained that the portion of *Rubert* cited by the Examiner merely teaches that, if a database server has insufficient processing power to perform query execution at the current time, the system "can contact the user in order to schedule query execution for a later time". 10:50-67.

The Examiner nevertheless maintains a rejection. In the Final Office Action the Examiner attempts to provide elaboration on the basis for the rejection, in part by quoting a portion of *Rubert* (10:57-11:4) directed to how *Rubert* handles high-impact queries. Respectfully, the Examiner's analysis misses the point. The Examiner's position is premised on the assertion that *Rupert* teaches the claimed element at issue because *Rupert* requires a user to schedule a query for execution at a later time if the query is a high-impact query which cannot be accommodated at the current time (due to unavailability of database server resources). Respectfully, this position belies a gross misconstruction of Applicants' claims and suggests a misunderstanding of *Rupert*. Merely requiring a user to schedule a query for future execution because the query is a high-impact (high-cost) query is not at all the same as, or even suggestive of, determining user-selectable scheduling options on the basis of the cost to execute a unit of work (e.g. a query) by restricting a larger set of scheduling options to be determined user-selectable scheduling options (i.e., selecting a subset of scheduling options from a superset of scheduling options on the basis of the execution cost).

A proper analysis requires a correct understanding of both *Rupert* and Applicants' claims. Accordingly, Applicants provide the following elaboration to both items.

As an initial matter, Applicants refers the Examiner to Figures 2 and 4 of the present application. Figure 2 shows a scheduling interface for a first query where the user is given a plurality of frequency options from a drop-down menu, where the drop-down menu is populated according to various factors including the cost of the query, system availability and/or user rules. Figure 4 shows a scheduling interface for a second query where the drop-down menu is again populated according to the various factors. As compared to the user interface of Figure 2, the user interface of Figure 4 provides the user with a reduced number of scheduling options in the drop-down menu because, in this example, the query being scheduled in Figure 4 is more cost intensive than the query being scheduled in Figure 2. These user interface screens demonstrates how a plurality of user-selectable scheduling options for future execution of the unit of work are determined on the basis of the cost (and/or system availability), by restricting a larger set of scheduling options to the determined user-selectable scheduling options. In other words which scheduling options a user is presented with for a given query, will depend upon the determined cost and/or system availability for the query. As a result, the scheduling options will vary from one query to another.

Applicants now turn to the references of record, *Rubert* and *Benoit*. As an initial matter, and in an effort to prosecute the present application in good faith, Applicants point out that reliance on *Benoit* appears unnecessary, as far as the Examiner's analysis is concerned. It is the Applicants' understanding that the Examiner relies on *Benoit* for nothing more than providing a user with user-selectable scheduling options. However, this appears to be taught by *Rubert* in Figures 1 and 2 (as indicated by the "Schedule Query Execution" button of the user interface) and the corresponding text 6:24-37. While the particular scheduling options are not shown, it is understood that by clicking on the "Schedule Query Execution" button of the user interface the user of *Rubert* will be presented with a plurality of scheduling options to schedule the future execution of a query. The scheduling options presented by clicking on the "Schedule

Query Execution" button include whether the query should be executed on a recurring basis and at what priority level. 6:26-30. *Rupert* explains that the selected query priority can be used to determine the order of query execution. 6:30-33.

Of particular importance, Applicants point out that the same user interface button for scheduling query execution is shown in Figure 1 and Figure 2, and there is absolutely no teaching or suggestion that the options presented to the user upon clicking on the button vary depending on the cost of a given query being scheduled. In fact, *Rupert* makes clear that the scheduling options cannot be dynamic (i.e., vary depending on the cost of a given query). This is because when the user is making the various query-specific selections via the user interface shown in Figure 1 and Figure 2, including the scheduling selections, the cost of the query has not even been determined yet. In this regard, reference is made to Figure 6A-B of *Rupert*, which illustrates a flow chart for a subroutine 420 for determining a query and query execution information. At step 620, the subroutine 420 receives an indication of the execution time selected by the user (i.e., immediate or future, per scheduling options selected by clicking on the "Schedule Query Execution" button). Step 620, then, is where the user may schedule a query for future execution by clicking on the "Schedule Query Execution" button and then selecting appropriate user-selectable scheduling options from the interface. At step 625, the subroutine 420 determines whether the given query selection is for immediate execution, or whether the user scheduled the query for future execution. If the user has made appropriate selections for future execution of the query, processing then proceeds via the "No" logic leg, which bypasses the decision step 630 where the determination is made as to whether the selection is a high-impact query. In other words, at step 620, when the user is making selections from the user-selectable scheduling options, the cost of the query (i.e. whether the query is a high-impact query) has not even been determined. It follows then that the cost of the query cannot possibly be considered in determining which user selectable scheduling options to present to a user. (The relevant text of *Rupert* regarding Figure 6 is found at 13:42-15:10.)

As the Examiner correctly points out, *Rupert* also teaches notifying a user to schedule query execution for a later time if the query is a high-impact query that cannot

be executed at the current time. However, this merely involves returning the user to a user interface screen such as are shown in Figure 1 or Figure 2 (which would give the user the option to click on the "Schedule Query Execution" button), or perhaps routing the user directly to the query scheduling user interface (i.e., without requiring the user to first click on the "Schedule Query Execution" button). In any case, the user is merely given the option of scheduling the query for future execution using the same, static scheduling interface that is presented in every case, for every query. Again, *Rupert* simply does not teach, show or suggest that the scheduling options presented to the user upon clicking on the "Schedule Query Execution" button vary depending on the cost of a query. Quite the contrary, *Rupert* suggests that the cost of the query is entirely irrelevant to the query scheduling options presented to a user. Therefore, *Rupert* does not teach, show or suggest determining a plurality of user-selectable scheduling options for future execution of the unit of work on the basis of the cost (and system availability, in the case of claim 12), by restricting a larger set of scheduling options to the determined user-selectable scheduling options.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

If the Examiner believes any issues remain that prevent this application from going to issue, the Examiner is strongly encouraged to contact Gero McClellan, attorney of record, at (336) 643-3065, to discuss strategies for moving prosecution forward toward allowance.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

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